



PATENT  
Customer No. 22,852  
Attorney Docket No. 9314.0007-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Adalbert BANDEMER et al.	)	Group Art Unit: 2633
	)	
Application No.: 09/979,567	)	Examiner: Kinfe Michael NEGASH
	)	
Filed: March 13, 2002	)	Confirmation No. 2828
	)	
For: ASSEMBLY FOR MONITORING	)	
THE PERFORMANCE OF D-WDM	)	
MULTI-FREQUENCY SYSTEMS	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

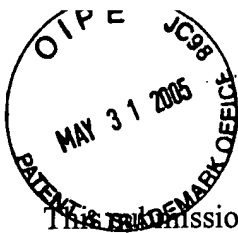
**Information Disclosure Statement Under 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination in the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patent publications are not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

In lieu of a statement of relevance or translation of the non-English documents, an English language version of a Notice of Reasons of Rejection from the Japanese Patent Office in a corresponding application citing these documents and setting forth the relevance thereof is enclosed.]



This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: May 19, 2005

By: \_\_\_\_\_

Gary J. Edwards  
Reg. No. 41,008

Complete if Known

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

1

Application Number

09/979,567

Filing Date

March 13, 2002

First Named Inventor

Adalbert BANDEMER

Art Unit

2633

Examiner Name

Kinfe Michael NEGASH

Attorney Docket Number

09314-0007-00000

## U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-			
		US-			
		US-			
		US-			

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>9</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		JP 4-116607 A2	Apr. 17, 1992	NIPPON TELEGRAPH & TELEPHONE CORP.		Abstract
		JP 7-218935 A2	Aug. 18, 1995	SIEMENS AG		Abstract
		JP 8-237224 A2	Sep. 13, 1996	AT&T Corp.		Abstract
		JP 8-251105 A2	Sep. 27, 1996	NIPPON TELEGRAPH & TELEPHONE CORP.		Abstract
		JP 9-064819 A2	Mar. 07, 1997	FUJITSU LTD		Abstract
		JP 9-185023 A2	Jul. 15, 1997	KOKUSAI DENSHIN DENWA CO LTD		Abstract
		JP 9-252283 A2	Sep. 22, 1997	NIPPON TELEGRAPH & TELEPHONE CORP.		Abstract
		JP 9-261205 A2	Oct. 3, 1997	FUJITSU LTD		Abstract
		JP 10-224829 A2	Aug. 21, 1998	NIPPON TELEGRAPH & TELEPHONE CORP.		Abstract
		JP 11-052151 A2	Feb. 26, 1999	NEC Corp.		Abstract

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		Notice of Reasons for Rejection issued by Japanese Patent Office in Application No. 2000-617587 on November 30, 2004, English translation, 7 pages.	

Examiner  
SignatureDate  
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.